

Apr. 20, 2017

**Ex Parte**

Ms. Marlene H. Dortch

Secretary

Federal Communications Commission

445 12th Street SW Washington, DC 20554

Re: Preservation of One Vacant Channel in the UHF Television Band for Use by White Space Devices and Wireless Microphones, **MB Docket No. 15-146**

Amendment of the Commission's Rules with Regard to Commercial Operations in the 3550-3650 MHz Band, **GN Docket No. 12-354**

Dear Ms. Dortch:

On April 18, 2017, Kalpak Gude, President of the Dynamic Spectrum Alliance (DSA) met with Erin McGrath, Wireless Legal Advisor to Commissioner Michael O'Rielly, regarding the above-listed proceedings.

**Citizens Broadband Radio Service:**

Regarding the 3550-3650 MHz Band, Mr. Gude reiterated the DSA's support for the FCC's three-tier framework in the Consumer Broadband Radio Service (CBRS) Band. The DSA believes that the three tiered approach promotes innovation and investment by: (1) making spectrum available on a very localized basis and (2) Reduces barriers to entry, particularly by having the GAA tier, while still ensuring predictable access through the PAL tier, all while protecting the incumbent government user.

Further, Mr. Gude stressed that since the adoption of the rules (Apr. 2015), the multi-stakeholder process involving more than a dozen wireless operators, OEMs, chipmakers, and other technology firms have spent thousands of hours forging a consensus on operating standards, and enormous progress has been made.

Beyond the multi-stakeholder process, companies have also invested to drive the innovation the FCC had sought through the creation of the CBRS Band. Significant delay in the implementation of the CBRS rules would slow down this process and would create a real disincentive to additional investment.

For that reason, the DSA requested that the FCC expedite implementation of the Part 96 framework by developing auction procedures for PALs and by fully certifying the SAS and Environmental Sensing

Capability (ESC) networks as soon as possible. Also, the DSA requested that the FCC not inject significant uncertainty into the process with consideration of any major changes to the current rules, as this would only serve to reduce or delay investment in this area.

### TV White Spaces:

Mr. Gude emphasized that as the Commission considers its ‘Vacant Channel’ proceeding<sup>1</sup>, its proceeding to improve the quality of the geographic location and other data submitted for fixed white space devices operating on unused frequencies in the TV Bands<sup>2</sup>, and Petitions for Reconsideration regarding its August 2015 ‘Part 15 Report and Order’<sup>3</sup>, it is important that the Commission keep in mind that to stimulate significant innovation and investment in the TVWS ecosystem (1) there needs to be enough usable spectrum in every market across the United States; (2) the technical rules should only provide what is necessary to protect incumbents from harmful interference and not serve to create unnecessary technical restrictions, regulation, and barriers to adoption; ; and (3) the need for regulatory certainty.

Based on input of its members, the DSA continues to believe that there needs to be at least three usable channels – 18 MHz -- available in every market to stimulate the level of investment necessary to establish an ecosystem for personal / portable whitespace devices. The availability of personal / portable devices will allow many components to get to scale, which in turn will drive the cost down and increase the affordability of fixed TVWS radios intended to provide broadband to unserved and severely underserved communities. It is critical that in every market, as a minimum, the duplex gap shared with unlicensed wireless microphones, channel 37 shared with Wireless Medical Telemetry Service and Radio Astronomy Service; and the vacant channel in the re-packed broadcast television band shared with unlicensed wireless microphones is available and fully usable by TVWS devices.

Respectfully submitted,



Kalpak Gude

President

Dynamic Spectrum Alliance

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<sup>1</sup> *Amendment of Parts 15, 73 and 74 of the Commission’s Rules to Provide for the Preservation of One Vacant Channel in the UHF Television Band For Use By White Space Devices and Wireless Microphones*, Notice of Proposed Rulemaking, FCC 15-68, 30 FCC Rcd. 6711 (2015)

<sup>2</sup> *Amendment of Part 15 of the Commission’s Rules for Unlicensed White Space Devices*, Notice of Proposed Rulemaking and Order, FCC 16-23 (2016)

<sup>3</sup> *Amendment of Part 15 of the Commission’s Rules for Unlicensed Operations in the Television Bands, Repurposed 600 MHz Band, 600 MHz Guard Bands and Duplex Gap, and Channel 37*, Report and Order, 30 FCC Rcd. 9551 (2015) (“Part 15 Report and Order”).